DOCKET NO.: P-909 .06

JUN 2 8 2004 3

# THE UNITED STATES PATENT AND TRADEMARK OFFICE

#### INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

In re Application of:

For:

METHOD AND SYSTEM FOR NERVE STIMULATION PRIOR TO AND DURING A MEDICAL PROCEDURE

Serial No.: Filed:

10/768,999 01-30-2004

CERTIFICATE OF MAILING UNDER 37 CFR 1.8: I hereby certify that this INFORMATION DISCLOSURE STATEMENT and the paper(s), as described herein, are being deposited in the U.S. Postal Service, as first class mail, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this

**244L** day of <u>June</u>, 2004.

Signature

Barbara J. Lakanen Printed Name

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

We are transmitting herewith the attached:

Information Disclosure Statement Transmittal

Information Disclosure Statement

TO FORM 1449

Copies cited references (Foreign Patents and Other)

Associate Power of Attorney

Return Postcard

#### **FEE CALCULATION**

\$ 00.00 Pursuant to 37 CFR §1.97(b)
\$ 00.00 Pursuant to 37 CFR §1.97(c) with Certification
\$ 00.00 Pursuant to 37 CFR §1.97(e) with Certification
\$240.00 Pursuant to 37 CFR §1.97(c) without Certification
\$130.00 Pursuant to 37 CFR §1.97(d) with Certification

Applicant hereby petitions for a consider this petition therefor.

months' extension of time. If an additional extension of time is required, please

Consider this petition therefor.
 Applicant believes that no external and a second consider this petition therefor.

Applicant believes that no extension of time is required. However, if an extension of time is required, please consider this a petition therefor to provide for the possibility that applicant has inadvertently overlooked the need for an extension of time.

Please charge any additional fees or credits to Deposit Account No. 13-2546 which may have been overlooked on this Amendment Transmittal with regard to this filing. A duplicate of this transmittal is enclosed.

June 23, 2004

Jeffrey J. Hohenshell

Reg. No. 34,109

Telephone: (763) 391-9661 Customer No.: 27581

**PATENT** 

Docket: P-9091.06

JUN 2 8 2004 SA

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant(s):	Jahns et al	)	Art Unit:			
Serial No.:	10/768,999	)	Examiner:			
Filed:	01-30-2004	)				
For:	METHOD AND SYSTEM FOR NERVE STIMULATION PRIOR TO AND DURING A MEDICAL PROCEDURE					

# **INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### Dear Sir:

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with C.F.R. §§ 1.97 *et. seq.*, the materials enclosed herewith are brought to the attention of the Examiner as possibly being of interest in connection with the above-identified patent application.

Consideration of each of the documents listed on the attached Form 1449 is respectfully requested. Pursuant to the provisions of M.P.E.P. §609, Applicant further requests that a copy of the Form 1449, marked as being considered and initialed by the Examiner, be returned with the next Official Communication.

Respectfully submitted,

Scott E. Jahns et al

By their Representatives,

Jeffrey J. Hohenshell Attorney for Applicants Registration No. 34,109

Telephone: (763) 391-9661

Customer No.: 27581



# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Jahns et al

Examiner:

Serial #:

10/768,999

Group Art Unit:

Filed:

01-30-2004

Docket:

P-9091.06

Title:

METHOD AND SYSTEM FOR NERVE STIMULATION PRIOR TO AND DURING A

MEDICAL PROCEDURE

# ASSOCIATE POWER OF ATTORNEY

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Please recognize Thomas G. Berry, Reg. No. 31,736, Girma Wolde-Michael, Reg. No. 30,724, Kenneth J. Collier, Reg. No. 34,982, Thomas F. Woods, Reg. No. 36,726, Stephen W. Bauer, Reg. No. 32,192, Michael C. Soldner, Reg. No. 41,455, John W. Albrecht, Reg. No. 40,481, E. Lacy Belden, Reg. No. 50,751, Paul H. McDowell, Reg. No. 34,873, Daniel G. Chapik, Reg. No. 43,424, James R. Keogh, Reg. No. 44,824, David P. Ruschke, Reg. No. 40,151, Jeffrey J. Hohenshell, Reg. No. 34,109 and James D. Palmatier, Reg. No.42,972 as associate attorneys for the above-identified patent application and having full authority to prosecute all matters in the Patent and Trademark Office. Please continue to direct all correspondence to: Medtronic, Inc., 710 Medtronic Parkway N.E., Minneapolis, Minnesota 55432-5604.

Respectfully submitted,

6-4-04

Date

Frank C. Nicholas, Reg. No. 33,983

Page 1 of 7

# INFORMATION OF PISCLOSURE STATEMENT JUN 2 8 2004 \$2

Atty. Docket No.: P-9091.06 Serial No.: 10/768,999

Applicant(s): Jahns et al

Filing Date: 01-30-04 Group:

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**EXAMINER** 

Date Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

# INFORMATION DISCLOSURE

Atty. Docket No.: P-9091.06 Serial No.: 10/768,999

Applicant(s): Jahns et al

Filing Date: 01-30-04 Group:

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**EXAMINER** 

**Date Considered** 

<sup>\*</sup>Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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INFORMATION DISCLOSURE		Atty. Docket	Serial	Serial No.: 10/768,999			
STA	TEMENT	Applicant(s):	Jahns et al				
		Filing Date: 0	Grou	Group:			
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EXAMINE	R		Date Considered				
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Based on Form P7	d not considered. Include cop FO-FB-A820	ay of this form with t	Patent and Trademar		epartment of C	commer	ce

Page 4 of 7

INFORM	MATION	Atty. Docket	No.: P-9091.06	Serial No.: 10/768,999			
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DISCLOSURE STRUEMENT		Applicant(s):	Tahns at al				
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TE TRADE THE	R DOCUMENT	S (Including A	uthors, Title, Da	te, Pertinent Papers, etc.)			
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EXAMINER			Date Considered	i			

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Page 5 of 7

INFORMATION		Atty. Docket	No.: P-9091.06	Serial No.: 10/768,999			
DISCLOSURE							
STATE	EMENT	Applicant(s): Jahns et al					
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EXAMINER			Date Considered				

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Page 6 of 7 **Atty. Docket No.: P-9091.06** Serial No.: 10/768,999 INFORMATION **DISCLOSURE** Applicant(s): Jahns et al **STATEMENT** Filing Date: 01-30-04 Group: OTHER DOCUMENTS (Including Authors, Title, Date, Pertinent Papers, etc.) Role of vagus nerve signaling in CNI1493-mediated suppression of acute inflammation / L. Borovikova, S. Ivanova, D. Nardi, M. Zhang, H. Yang, M. Ombrellino and K. Tracey / Elsevier Science B.V. Atuonomic Neuroscience: Basic and Clinical 85 (2000) 141-147 Cellular Basis for the Negative Inotropic Effects of Tumor Necrosis Factor-α in the Adult Mamalian Heart / T. Yokoyama, L. Vaca, R. Rossen, W. Durante, P Hazarika and D. Mann / The Journal of Clinical Investigation, Inc. / Volume 92, November 1993, 2303-2312 Cytokines and Cardiomyocyte Death / Kari J. Pulkki / 1997 The Finnish Medical Society DUODECIM, Ann Med 29, 339-343 Subdiaphragmatic vagotomy suppressed endotoxin-induced activation of hypothalamic corticotropin-releasing hormone neurons and ACTH secretion / R.P.A. Gaykema, I. Dukstra, and F.J.H. Tilders / EndocrinologyVol. 136, No. 10 pp 4717-4720 Interleukin 1 and tumor necrosis factor inhibit cardiac myocyte β-adrenergic responsiveness / T. Gulick, M.K. Chung, S.J. Pieper, L.G. Lange, and G.F. Schreiner / Proc. Natl. Acad. Sci Vol. 86 pp. 6753-6757, September 1989 Medical Sciences Mechanisms and Models In Heart Failure A Combinatorial Approach / D.L. Mann, MD / Circulation 1999: 100:999-1008 Proteomics of heart disease / Em McGregor and M.J. Dunn / Human Molecular Genetis, Vol. 12, Review Issue 2 2003 R135-R144 Geriatric Cachexia: the role of cytokines <sup>1,2</sup> Shing-Shing Yeh and Michael W. Schuster / Am J. Clin Nutr 1999, 70:183-197 Thermogenic and corticosterone response to intravenous cytokines (IL-1 $\beta$  and TNF- $\alpha$ ) are attenuated by subdiaphragmatic vagotomy / M. Fleshner, L.E. Goehler, B.A. Schwartz, M. McGorry, D. Martin, S.F. Maier, and L.R. Watkins / Journal of Neuroimmunology / Elesevier Science B.V. 86 (1998) 134-141 Implications of immune-to-brain communication for sickness and pain / L.R. Watkins and S.F. Maier / Proc. Natl. Acad. Sci Vol. 96, pp. 7710-7713, July 1999 Loss of a gp130 Cardiac Muscle Cell Survival Pathway Is a Critical Event in the Onset of Heart Failure during Biomechanical Stress / H. Hirota, J. Chen, U.A.K. Betz, K. Rajewsky, Y. Gu, J. Ross, Jr., W. Muller and K. R. Chien / Cell. Vol. 97 189-198 April 16, 1999 Vagus nerve stimulation attenuates the systemic inflammatory response to endotoxin / L.V. Borovikova, S. Ivanova, M. Zhang, H. Yang, G.I. Botchkina, L.R. Watkins, H. Wang, N. Abumrad, J.W. Eaton and K.J. Tracey / Nature Vol 405 25 May 2000 pp. 458-462 Efferent Vagal Fibre Stimulation Blunts Nuclear Factor-KB Activation and Protects Against Hypovolemic Hemorrhagic Shock / S. Guarini, Ph.D; D. Altavilla, Ph.D; MM Cainazzo, MD; D. Giuliani, Ph.D; A. Bigiani, Ph.D; H. Marini, MD; G. Squadrito, MD; L. Minutoli, MD; A. Bertolini, MD; R. Marini, Ph.D.; E.B. Adamo, MD; F.S. Venuti, MD; and F. Squadrito, MD / Circulation March 4, 2003 pp. 1189-1194

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